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April 28, 2004

Honorable Mora D. Corrigan
Michigan Supreme Court
525 West Ottawa, 2nd Floor
P.O. Box 30052
Lansing, MI 48909

Re: Proposed amendments to MCR 6500 et seq Motions for Release for Judgment

Dear Justice Corrigan:

I am writing in opposition to the proposed amendments in MCR 6500 et seq. In general the proposed changes will significantly limit the ability of inmates to seek and obtain post conviction relief when grounds for relief actually exist. The proposed amendments will disproportionably affect indigent inmates who lack the ability to obtain the financial resources to file a motion, within the proposed severe time limitations. Under the current rules, relief is already extremely difficult to obtain and is rarely granted. Indeed, when such relief is granted it is virtually always reversed by the Court of Appeals for one reason or another. If the proposed changes are adopted relief that is already rare is likely to virtually disappear for many deserving defendants.

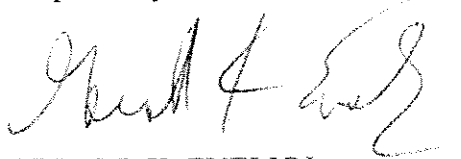
The proposed one year statute of limitation under new proposed Rule 6.508 (E) is an unnecessary and unreasonable limitation, and would impose a severe hardship on defendants who already rely on limited resources. Moreover, the limitation will result in a major hardship because of the fact that the parallel Federal Statute, 28 USC § 2224 A1 runs at the same time; the time of judgment. In addition the current requirement that a defendant demonstrate "good cause" and "actual prejudice" are high enough hurdles, in as much as they are rarely surmounted by most defendants. To add, as the new rule proposes, that a defendant "establish the probability of a different result" and a irregularity so offensive as to seriously effect the fundamental fairness and integrity of public reputation of the judicial proceeding, is to say the least unrealistic.

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THE CHIEF JUSTICE

I strongly urge this Court to not adopt these new rules, which are clearly unnecessary and unfair.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Gerald K. Evelyn". The signature is fluid and stylized, with a large initial "G" and a long, sweeping tail.

GERALD K. EVELYN

GKE/jmv